

Community Corrections Advisory Board

***Managing Adult Sex Offenders
in the Community:
Improving Supervision Services and Outcomes***

November 16, 2004

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To the Dakota County Board of Commissioners:

On behalf of the Dakota County Community Corrections Advisory Board (CCAB), I am pleased to present our 2004 recommendation report on: Managing Adult Sex Offenders in the Community - Improving Supervision Services and Outcomes.

I believe that this study has been a particularly informative one for CCAB members, in part because of recent controversy regarding community supervision and management of high-risk adult sex offenders who return to the community after finishing their prison terms. From our first panel presentations with actual sex offenders to small group discussions to define issues and develop recommendations, this report represents an unprecedented commitment from the CCAB. I would like to recognize the hard work and perseverance of CCAB members and Community Corrections staff. Without the energy and good ideas they generated, this study would not have been so fruitful.

While it is much easier for us as a community to believe that sex offenders are not like us and could not belong to our families or circles of friends, the reality is that sex offenders exist within virtually every facet of our society, and we must accept the fact that most sex offenders will return to the social networks they belonged to before they were incarcerated. That means that they will return to live in our communities.

We realize that the work contained herein is really only the beginning of the kinds of actions Dakota County can take to ensure that effective sex offender management practices are implemented and maintained to keep victims and communities safe from harm and to move sex offenders toward accountability and positive change.

CCAB members look forward to continuing their work with the County Board of Commissioners, Community Corrections and the community at-large to assure and enhance public safety.

Sincerely,

*Kristin Lail
Chair*

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Dakota County Community Corrections Advisory Board

Report on

Managing Adult Sex Offenders in the Community: Improving Supervision Services and Outcomes

Executive Summary

Much work has been done nationally and locally to address problems associated with sex offender management practices, from arrest to incarceration to community supervision. Still, for various reasons, community supervision and management of sex offenders presents unique issues for criminal justice agencies and the public. The charge of the Dakota County Community Corrections Advisory Board (CCAB) was to review and assess supervision services for high-risk adult sex offenders on probation and supervised release in Dakota County, discuss emerging issues in sex offender management, and make practical, workable recommendations to Community Corrections to enhance the effectiveness of their own supervision and management approaches where necessary.

CCAB aimed to accomplish two things by studying these problems as they are manifested at the local level:

- To gain a basic understanding of the characteristics of offenders who commit sex crimes, and the devastating impact that such crimes have on victims and community members, and
- To get a clearer picture of community supervision and management services for adult sex offenders – how sex offenders fare in the community and how the community responds.

The CCAB has used the information gained in these areas to develop recommendations for the Dakota County Board of Commissioners and Community Corrections, which will address the problems associated with effective community supervision and management of high-risk adult sex offenders. Clearly, no single sector can solve the problems associated with containment and community re-integration of persons convicted of sex crimes. An effective approach requires the integration of a collection of laws, policies, procedures, attitudes, and expectations effectively implemented through interagency and interdisciplinary teamwork. As such, the CCAB's recommendations emphasize that cooperation among key stakeholders -- the Minnesota Department of Corrections, the state legislature, and the community -- is the best way to ensure public safety.

The CCAB's recommendations are listed below and arranged in order of importance with supporting action steps. The recommendations are intended to support community supervision for all persons convicted of sex crimes, who have been released back into the community, or have been placed on community supervision by the Courts, with special emphasis on adults who are considered at high-risk for re-offending.

1. Require participation and completion of treatment services and programs for all sex offenders.

Proposed Action Steps

- A. Community Corrections should refer all sex offenders who are court-ordered or DOC-mandated to participate in treatment, to an approved treatment program.
- B. Community Corrections should recommend and support legislation that provides additional funding for community-based and institution-based treatment.
- C. Community Corrections should investigate options to help offenders obtain insurance coverage for treatment.
- D. Community Corrections should recommend and support legislation mandating treatment completion for sex offenders while they are incarcerated as incentive for early release.

Rationale: Treatment programs can contribute to community safety; offenders who complete treatment are less likely to re-offend than those who reject treatment intervention.

2. Improve current housing options.

Proposed Action Steps

- A. Community Corrections should develop one (1) master lease contract with a community-based landlord to house up to two sex offenders.
- B. Community Corrections should meet with the County's Supportive Housing Unit staff to explore housing options for sex offenders.
- C. Community Corrections should create, propose and support incentives to property owners who rent to sex offenders.
- D. Community Corrections should collaborate with other counties/DOC to develop housing options.

Rationale: Stable housing is an important component of community re-entry.

3. Increase public awareness concerning sex offenders and improve system coordination and communication between the community, corrections, and law enforcement agencies.

Proposed Action Steps

- A. Community Corrections should develop printed materials, i.e., "Sex Offender Awareness Fact Sheet" that can be used to educate citizens during community presentations by Corrections staff and at Level III Community Notification Meetings.
- B. Community Corrections should meet with community groups such as the Community Action Council (CAC) and law enforcement to discuss possible partnerships for providing community education sessions.
- C. Community Corrections should notify CCAB members of Level III Community Notification Meetings that are scheduled to be held in Dakota County and invite them to attend.
- D. Community Corrections should prepare an informational column on "Community Supervision and Management of Adult Sex Offenders in Dakota County" that can be published to coincide with scheduled community notification meetings.
- E. Community Corrections should meet with law enforcement whenever a Level III sex offender is scheduled to move into the community.
- F. Community Corrections should work with law enforcement to establish workgroups comprised of schools, churches, and other community organizations to coordinate notification processes.

Rationale: Raising public awareness through education and improving communication between corrections, law enforcement, and the community can help keep communities safe.

4. Increase funding sources for sex offender supervision.

Proposed Action Steps

- A. Community Corrections should investigate options for insurance coverage for treatment services. All offenders referred for treatment will have their insurance provider contacted to determine eligibility.
- B. Community Corrections should recommend and support legislation to reinstate state-funded reimbursement for psychosexual assessments.
- C. Community Corrections should recommend and support legislation that provides additional funding for community-and institutional-based treatment services and interventions.

Rationale: Funding deficiencies for community supervision services and treatment programming for sex offenders, especially adult level sex offenders, can compromise public safety.

Background

Dakota County residents, like most Americans, fear sex offenders. Their crimes can destroy people's lives, break families apart, and traumatize communities. Media outlets frequently portray sex offenders as cold-blooded, brutal, and remorseless predators who return to the community poised to commit further sexual crimes within days of release. This stereotypic image does not fit most sex offenders, and tends to increase fear and misunderstanding within already apprehensive communities. In recent months, the rise in the number of high-profile sexual assault crimes involving convicted sex offenders who have returned to the community has not only fanned the flames of public outrage and fear, it has also drawn national and local attention to the problem of community supervision and management of sex offenders.

Despite legislative changes in sentencing practices that increase the likelihood and length of incarceration for convicted sex offenders, at some point, the majority will return to their communities, many under correctional supervision – probation or supervised release. The successful transition of sex offenders back into the community is a responsibility that Community Corrections has embraced. Supervising officers quickly find themselves against a roadblock – communities do not want this population living amongst them. This attitude is like putting out an “unwelcome mat” in the neighborhood. For many released offenders, the process of community re-integration can be rocky: their families may not be willing to accept them back; finding housing, securing employment, and completing treatment can be extremely difficult; and individuals in their old peer groups are ready to support the resumption of criminal habits, as well as alcohol and/or drug abuse.

Because of the potentially volatile community response to sex offenders and the irrefutable harm that re-offending would cause potential victims, effective community supervision of sex offenders is of critical importance. Managing offenders to protect the public, reduce victimization and hold offenders accountable, and assist them toward positive change is Community Corrections' mission and greatest interest.

Purpose of Study

Much work has been done nationally and locally to address problems associated with sex offender management practices, from arrest to incarceration to community supervision. Still, for various reasons, community supervision and management of sex offenders presents unique issues for criminal justice agencies and the public. Dakota County's Community Corrections Advisory Board (CCAB) strived to accomplish two things by studying these problems as they manifested at the local level:

- To gain a basic understanding of the characteristics of offenders who commit sex crimes, and the devastating impact that such crimes have on victims, and community members, and
- To get a clearer picture of community supervision and management services for adult sex offenders – how sex offenders fare in the community and how the community responds.

The CCAB's charge was to review and assess supervision services for high-risk adult sex offenders on probation and supervised release in Dakota County, discuss emerging issues in sex offender management, and make practical, workable recommendations to Community Corrections to enhance the effectiveness of supervision and management approaches.

Summary of Study Approach

To facilitate the sex offender study, a planning team made up of Community Corrections and Community Services Administration planning staff guided the CCAB's study by developing a yearlong workplan for studying the issues that result in barriers to effective sex offender management practices (cited in Appendix 1).

The CCAB's study workplan was divided into three essential phases:

Phase I: Fact Finding	The CCAB first gained a basic understanding of the characteristics of offenders who commit sex crimes, including demographics, conviction and sentencing guidelines, mandated legislation and conditions associated with being placed on probation or conditional release. CCAB members also considered actual case examples of the problems sex offenders face as they transition back to the community (cited in Appendix 2), and victim harm (cited in Appendix 3), identifying the personal and community issues associated with each. Panel discussions with law enforcement and intensive supervision programs from other counties are cited in Appendix 4.
Phase II: Issues and Conclusions	The CCAB then engaged in small and large group discussions to identify major issues as barriers to effective community supervision of high-risk adult sex offenders. The next step was to analyze and narrow the issues and formulate conclusions
Phase III: Recommendations	The final phase focused on formulating practical recommendations for policy direction to ensure and enhance victim protection and public safety.

This paper outlines the CCAB's conclusions and recommendations to Community Corrections and the Dakota County Board of Commissioners for providing effective, efficient, and responsive community supervision and management of adult sex offenders.

Phase I: Fact Finding

The following sections summarize the CCAB's study findings on: *Managing Adult Sex Offenders in the Community: Improving Supervision Services and Outcomes*. The CCAB drew on a number of resources: Community Corrections staff data analysis and case study presentations and review; panel presentations and discussions from adult sex offenders currently on probation or supervised release in the County; victim and victim advocates, treatment providers, law enforcement officers. The group also drew on the expertise among CCAB members in examining community supervision and management practices and issues.

Overview of Adult Sex Offenders:

Sex offenders often look like the man or woman next door or a trusted relative, and they exist within virtually every occupational group. It is much easier to believe that sex offenders are not like us and could not belong to our families or circles of friends. Yet, to deal realistically with this issue, CCAB members accepted the fact that most sex offenders belonged to our social networks before they were incarcerated, and will return to our communities after release.

Sexual abuse/offense is an extraordinarily complex, multi-faceted problem that cannot be easily or simply explained. Many practitioners describe sex offenders with such words as "manipulative", "secretive", "devious", and "deceptive." A set of characteristics (i.e. physical, mental, personality, psychological, emotional, and other attributes) that is common to all or most sex offenders has not been identified. Because of the diversity in the demographic and social makeup of those who commit sexual offenses, a profile of a "typical" sex offender does not exist, although research studies and firsthand accounts from supervising officers support the following basic facts about sex offenders:

Basic Facts about Adult Sex Offenders

- They are heterogeneous
- Half develop deviant arousal as adolescents
- Most do not necessarily specialize (offending children and/or females)
- They are more likely to recidivate with a non-sex crime
- Some have very high numbers of victims
- Those with sexual deviancy are most likely to re-offend
- Many have chemical dependency issues
- About 15% have mental health problems
- Most know their victims
- They are least likely to recidivate (studies show a 30% recidivism rate)

(Source: DCCC & DOC)

Although men commit the majority of sex offenses, a growing body of research about female sex offenders is emerging. Current research indicates that females commit approximately 20% of sex offenses against children.

Many research theories purport to explain why individuals commit sex offenses. Unfortunately, none of these theories applies to all sex offenders. The great majority of sex offenders commit their crimes with planning and forethought. Most sex offenders have a cycle that is associated with their offending behavior that begins hours, days, weeks, or even months before the actual crime is physically perpetrated.

Research does show that most sex offenders share the following characteristics:

- Sex crimes flourish in secrecy. Sex offenders have secretive and manipulative lifestyles, and many of their sexual assaults are so well planned that they appear to occur without forethought.¹ The skills used to manipulate victims have also been employed to manipulate criminal justice officials.²
- Many adult sex offenders are otherwise highly functioning people who use their social skills to commit their crimes.³
- Many adult sex offenders commit a wide range and large number of sexually deviant acts during their lives.⁴
- Adult sex offenders typically have developed complicated and persistent psychological and social systems constructed to assist them in denying and minimizing the harm they inflict on others, and often they are very accomplished at presenting to others a facade designed to hide the truth about themselves.⁵

Panelist Notes

Steve Sawyer, Director, and Jannine Hebert, Program Director, of Project Pathfinder, Inc. presented a brief overview of Adult Sex Offender Treatment. *There is no single profile on sex offenders; there is a range of offense behaviors and several typologies. Because of this, labeling a person a sex offender is not very descriptive. The behaviors range from rape, child molestation, force, and penetration to exhibitionism, voyeurism, no force, and exposure. Treatment today focuses on cognitive behavioral interventions, which often deal with relationship issues, empathy, and medications in combination with other treatment methods...*

¹ Pithers, W.D., "Relapse Prevention with Sexual Aggressors: A Method for Maintaining Therapeutic Gain and Enhancing External Supervision," in Marshall, W.L., D.R. Laws, and H.E. Barbaree (eds.), *Handbook of Sexual Assault: Issues, Theories, and Treatment of the Offender*, New York City: Plenum Press, 1990.

² English, K., S. Pullen, and L. Jones (eds.), *Managing Adult Sex Offenders: A Containment Approach*, Lexington, Kentucky: American Probation and Parole Association, January 1996.

³ Ibid.

⁴ Knapp, M., "Treatment of Sex Offenders," in English, K., S. Pullen, and L. Jones (eds.), op. cit.

⁵ Strate, D.C., L. Jones, S. Pullen, and K. English, "Criminal Justice Policies and Sex Offender Denial," in English, K., S. Pullen, and L. Jones (eds.), op. cit.

Overview of Juvenile Sex Offenders:

Since adult sex offenders were the focus of the CCAB's study, in-depth assessment of community supervision of juvenile sex offenders was not completed. However, CCAB members did learn that juveniles account for one-fifth of all rapes and one-half of all cases of child molestation nationally.

The onset of sexual offending behavior can be linked to numerous factors reflected in an individual's experiences, exposures, and/or developmental deficits. Emerging research suggests that, as in the case of adult sex offenders, a meaningful distinction can be made between youth who target peers or adults and those who offend against children. However, juveniles who sexually offend are distinct from their adult counterparts. Youth who commit sexual offenses are not necessarily "little adults;" many will not continue to offend sexually. This is a formative area of research. While there is an ever-increasing body of knowledge regarding the etiologies of dysfunction and aggression in juveniles, there remains a tremendous need for additional data to understand the etiology of juvenile sexual offending.

Juvenile Sex Offenders in Dakota County	<p>80 juveniles prosecuted for Criminal Sexual Conduct crimes <i>(from May 1, 2001-July 15, 2003)</i></p> <p>Of the 80 cases:</p> <ul style="list-style-type: none"> • 67% were juveniles under the age of 14 • 32% were between the ages of 11 and 12 years old • 30% had non-sex offenses on their records • 40% offended against a sibling or relative. • 93% of the offenders were well acquainted with their victim. • 14% were age related charges where the male was more than 24 months older and the victim was 13 years old or older. No force was used during the offense
Treatment for Juvenile Sex Offenders	<ul style="list-style-type: none"> • Full outpatient sex offender treatment.....52% • Short-term outpatient sex offender treatment.....34% • Residential sex offender treatment.....10% • Outpatient sex offender treatment 4% <p><i>(% of juveniles in out of home placement receiving outpatient treatment)</i></p> <p>Juvenile sex offenders in full outpatient sex offender treatment or residential sex offender treatment are required to pass polygraph exams regarding their sexual history.</p> <p><i>(Source: DCCC – 2001-2003 data)</i></p>
Classifications for Juvenile Sex Offenders	<p><i>O'Brian Typology of Adolescent Sex Offenders</i></p> <ul style="list-style-type: none"> • Type I: Pervasive Antisocial Offenders – Aggressive sexual act, force or coercion against peers, adult or child. Typically opportunistic but may be triggered by frustration or rage <ul style="list-style-type: none"> ➤ 3% of Dakota County juvenile sex offenders were in this category • Type II: Psychosocially Impaired Offenders – Pattern of sexual abuse of younger children, peers, or adults involving planning, set-up and typically manipulation or trickery <ul style="list-style-type: none"> ➤ 60% of Dakota County juvenile sex offenders were in this category • Type III: Developmental/Situational Offenders – Single or few episodes of sexual abuse of a child or peer, situational opportunistic in nature <ul style="list-style-type: none"> ➤ 37% of Dakota County juvenile sex offenders were in this category <p><i>(Source: DCCC – 2001-2003 data)</i></p>

Myths and Stereotypes about Adult Sex Offenders:

Myths and stereotypes about sex offenders abound. Most of the stereotypes are wrong. Much has been learned about sex offenders, sexual offenses, and sexual offense victims. This information is being used to develop more effective, best practice interventions throughout the country, within the state of Minnesota, and specifically within Dakota County.

Myth: Most sexual assaults are committed by strangers.

Fact: Most sexual assaults and rapes are committed by someone the victim knows. Among victims aged 18 to 24, two-thirds had a prior relationship with the offender⁶. During 2000, about 6 in 10 sexual assault victims stated the offender was a boyfriend, a relative, a friend, or an acquaintance⁷. A study of sexual victimization of college women showed that most victims knew the person who sexually victimized them. For both completed and attempted rapes, about 9 in 10 offenders were known to the victim⁸. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance, or co-worker sexually victimized the women⁹. Sexual assault can be committed in any type of relationship: marriage, dating, friendship, acquaintance or co-worker. Sexual assault can occur in heterosexual or same-gender relationships. It does not matter whether there is a current or past relationship between the victim and offender; unwanted sexual activity is still sexual assault, and is a serious crime.

Myth: Victims provoke sexual assaults when they dress provocatively or act in a promiscuous manner.

Fact: Rape and sexual assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor promiscuous behavior is invitation for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is sexual assault regardless of the way the person dresses or acts.

Myth: The majority of sexual offenders are caught, convicted, and in prison.

Fact: Only a fraction of those who commit sexual assaults are apprehended and convicted for their crimes. Most convicted sex offenders eventually are released to the community under probation or parole supervision. Many women who are sexually assaulted by a boyfriend, a friend, or an acquaintance do not report these crimes to police. Instead, victims are most likely to report being sexually assaulted when the assailant is a stranger, the victim is physically injured during the assault, or a weapon is involved in the commission of the crime.

Myth: Most sex offenders reoffend.

Fact: Recidivism data suggest this is not the case. Further, re-offense rates vary among different types of sex offenders and are related to specific characteristics of the offender and the offense. For example:

- Child molesters had a 13% reconviction rates for sexual offenses (Hanson and Bussier, 1998).
- Rapists had a 19% reconviction rate for sexual offenses (Hanson and Bussier, 1998).

Accurately measuring the rate at which sex offenders' recidivate is difficult. Most studies that attempt to measure recidivism equate re-offending with re-arrest or re-conviction, which is problematic because of the generally accepted understanding that sexual assault is a widely underreported crime. Research has concluded that long-term recidivism rates are lower for sex offenders than for the general criminal population, and that offenders who receive specialized and/or intensive treatment have significantly lower re-arrest rates than offenders who do not participate and/or complete treatment.

⁶ Bureau of Justice Statistics (Snyder 2000)

⁷ Bureau of Justice Statistics "Sexual Assault of Young Children as Reported to Law Enforcement; Victim, Incident and Offender Characteristics"

⁸ Bureau of Justice Statistics (Greenfield 1997)

⁹ Bureau of Justice Statistics (Greenfield 1997)

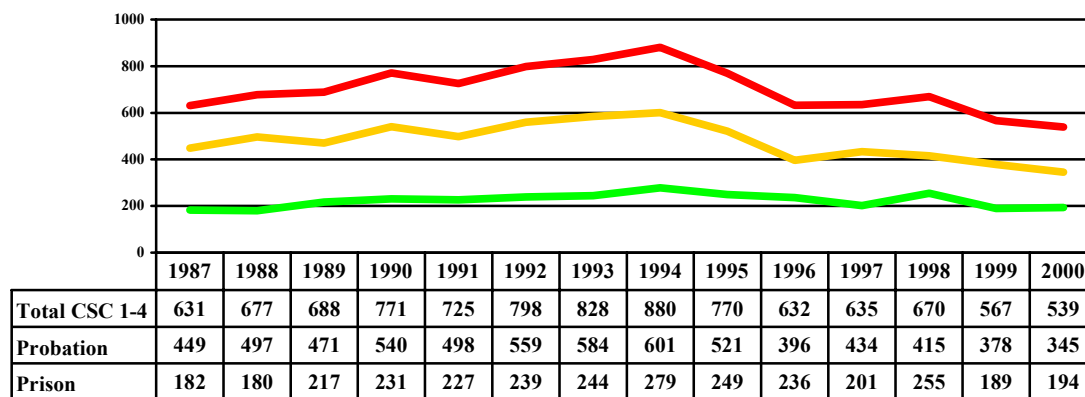
Demographics:

How many adult sex offenders are in the state?

According to the Minnesota Department of Corrections (DOC), the number of offenders sentenced for sex offenses has fluctuated over time, peaking with 880 offenders sentenced in 1994. Approximately 539 adults were convicted of sex offenses in Minnesota in 2000 and 512 adults were sentenced in 2001. This continues a downward trend in the number of adults sentenced for sex offenses. The 512 offenders sentenced in 2001 is the lowest number since 1984 when 477 sex offenders were sentenced (see Table 1).

Table 1: Sex Offenders in Minnesota

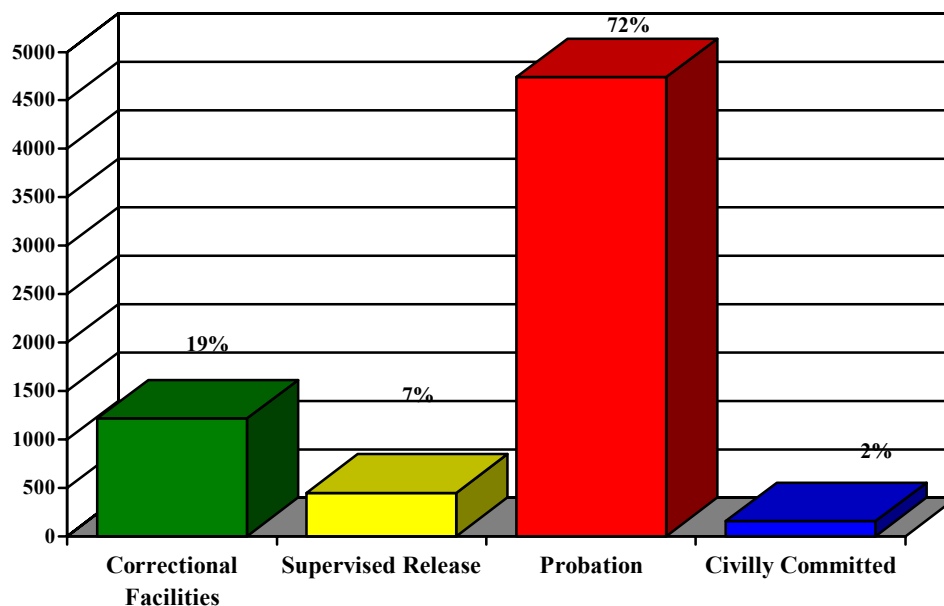
(adults convicted of felony sex offenses/year - Source: DOC)



The majority of adult sex offenders in the criminal justice system actually live in the community under some form of probation supervision (see Table 2).

Table 2: Sex Offenders in Minnesota

(Distribution of cases as of January 1, 2000 - Source: DOC)



Other National and State Trends¹⁰	<u>Prevalence (1992-1998)</u> *5% of females report receiving unwanted sexual touch as children *20% of males report receiving unwanted sexual touch as children *20% of females report being forcibly raped as adults		
	<u>Decline in Child Abuse Cases (1992-1998)</u> *31% decline nationally *39% decline in Minnesota	<u>Decline in Rape Cases 1992-1998</u> *60% decline nationally *23% decline in Minnesota	
How many adult sex offenders are supervised each year in Dakota County?	<u>2003</u> 405	<u>2002</u> 372	<u>2001</u> 331
	(Source: DCCC – 2001-2003 data)		

The following statistics reflect point-in-time data showing the age and residence of adult sex offenders under supervision in Dakota County as of 2/21/03.

What are their ages?	<u>Age</u>	<u>Approximate Number</u>	<u>% of Offenses</u>
	18-28	83	25%
	28-38	97	29%
	38-48	93	28%
	48-58	33	10%
	58-68	20	6%
	68 +	6	2%
	(Source: DCCC – 2001-2003 data)		
Where do they live?	<u>City</u>	<u>Approximate Number</u>	<u>City</u> <u>Approximate Number</u>
	Apple Valley	17	MH/Mendota 5
	Burnsville	35	Rosemount 21
	Eagan	39	SSP 20
	Farmington	17	WSP 16
	Hastings	20	So. Dak. Co. 7
	Inver Grove	27	Other Co. 98
	Lakeville	10	
	(Source: DCCC – 2001-2003 data)		

¹⁰ The Decline in Child Sexual Abuse Cases, January 2001, Office of Juvenile Justice and Delinquency Prevention. The Minnesota Bureau of Apprehension Crime Reports. (*Child Abuse Cases: 150,000 cases in 1992 vs. 104,000 in 1998*). (*2.2 cases in 1992 vs. 9 cases in 1998 per 1000*)

Legislation:

Through the actions of the state legislature, Minnesota has established one of the most sophisticated and respected systems for the supervision and management of adult sex offenders. It includes:

Classification of Offenses Minnesota law classifies felony-level Criminal Sexual Conduct (CSC) into four categories: first through fourth degree (see Table 4). Each degree of the crime covers a variety of behavior, with first-degree carrying the most severe penalties and fourth-degree the least severe. Criminal Sexual Conduct in the fifth-degree is a gross misdemeanor. In addition to Criminal Sexual Conduct, there are a number of additional offenses involving sexual behavior, i.e., Indecent Exposure, Pictorial Representation of a Child, Prostitution, etc.

Table 4: State of Minnesota <i>(Criminal Sexual Conduct (CSC) Codes - Source: DOC)</i>		
	Penetration	No Penetration
Force	CSC 1	CSC 2
No Force	CSC 3	CSC 4

Sentencing Offenses of Adult Sex Offenders under supervision in Dakota County (Snapshot of point in time data as of 2/21/03)	Offense Type	Approximate Number	% of Offenders
	• CSC 1	41	13%
	• CSC 2	89	27%
	• CSC 3	67	20%
	• CSC 4	27	8%
	• CSC 5	13	4%
	• Failure To Register	16	5%
	• Indecent Exposure/Obscenity/DOC	27	8%
	• Assault/Terroristic Threats	8	2%
	• Drug/alcohol offenses	16	5%
	• Miscellaneous	28	8%
(Source: DCCC – 2001-2003 data)			

Conditional Release Conditional Release is an additional term of supervision for offenders. The Conditional Release statute requires that at sentencing the court must pronounce a period of conditional release for sex offenders receiving prison sentences. Conditional Release terms are imposed for any offender convicted and sentenced to prison for: Criminal Sexual Conduct First, Second, Third or Fourth Degree. The period of Conditional Release is five (5) years for first- time sex offenders and ten (10) years for second or subsequent offenses. Terms of Conditional Release take effect at the time of release from prison. The offender can be returned to prison for violating any Conditional Release terms.

Civil Commitment Prior to release from prison, DOC staff assesses the need for a referral to the County Attorney for civil commitment proceeding. The County Attorney then determines if a petition for a civil commitment will be filed. If so, the court will make the final determination for civil commitment. The Minnesota Supreme Court and the United States Supreme Court have upheld the use of the civil commitment statute. The Minnesota Department of Human Services oversees civil commitments.

How many civil commitments Statewide?	<ul style="list-style-type: none"> • 25% of all sex offenders released each year are considered by the institution for civil commitment • 7% of sex offenders released each year are referred to the county attorney for commitment • 44% of referrals result in civil commitment of the offender • 180 offenders have been civilly committed as sexual psychopathic personalities or sexually dangerous persons (SPP/SDP)
How many civil commitments petitions were filed by Dakota County?	<ul style="list-style-type: none"> • 2003: 1 – was denied • 2004: 4 – 2 were denied and 2 are pending <p>(Source: DCCC & DOC)</p>
What assessment factors are used to determine civil commitments?	<ul style="list-style-type: none"> • Indicators of strong deviant arousal patterns • Predatory/violent offense patterns • Variety of victims • Multiple convictions • Multiple interventions • Length of sex offense history • Psychopathy or severe personality disorder <p>(Source: DCCC & DOC)</p>

Registration Registration laws were enacted in Minnesota in 1991 as a result of the Jacob Wetterling abduction. Registration applies to sex offenders who are released, sentenced, or adjudicated delinquents on or after August 1, 1991. Registration legislation is intended to deter offenders from committing new offenses and to create a registry to assist law enforcement investigations.¹¹ Registration is for ten (10) years to life, depending on criminal history, behavior, and compliance with registration requirements, etc.

How many registered sex offenders statewide?	<ul style="list-style-type: none"> • 11,661 registered sex offenders as of (4/17/03) <i>Adults - 11,171; Juveniles (under age 18) - 490</i> • 1,100 additional offenders in pending status (<i>moving into MN, moving out of MN or waiting for first meeting with their probation officer</i>) • 550 additional offenders no longer registering (<i>either completed term or have died</i>) • Of the 11,661 registered offenders 2,227 could not be found by the BCA (<i>didn't return verification letter or letter was returned as undeliverable</i>)
How many registered adult sex offenders in Dakota County?	<ul style="list-style-type: none"> • 501 registered sex offenders (as of 5/10/04) • 203 supervised by DCCC

¹¹ Thomas and Lieb, Sex Offender Registration; Bedarf, Examining Sex Offender Community Notification Laws

Who must register?	<p>Sex offenders convicted of the following crimes:</p> <ul style="list-style-type: none"> • Rape in any degree • Sodomy in any degree • Unlawful sexual penetration in any degree • Sexual abuse in any degree • Incest with a child victim • Using a child in a display of sexually explicit conduct • Encouraging child sexual abuse in any degree • Transporting child pornography into the state • Paying for viewing a child's sexually explicit conduct • Compelling prostitution • Promoting prostitution • Public and private indecency
What is the time frame for registration?	<ul style="list-style-type: none"> • Probation offenders: Immediately upon conviction • State prison offenders: Immediately upon release from a secure state corrections facility or state hospital facility • Out-of-state offenders: Prior to entering the state (if under supervision); within 5 days of moving into the state (if not under supervision)
What information must be registered?	<ul style="list-style-type: none"> • Address/address history (primary and secondary residence and vehicles) • Employment • Photo • Criminal history • Behavioral patterns • Fingerprints <p>(Source: DCCC & DOC)</p>

Community Notification Community Notification allows select information about some offenders to be converted from private or confidential information to public information. In Minnesota the amount of information, and the scope of individuals to whom information is released, is indicated by the risk level assigned to the offender. The higher the number risk level assigned to the offender, the more information can be released, and the broader the audience that will receive the information. Law enforcement agencies where the offender resides have the responsibility for the notification of their communities under this law.

Why is notification important?	<ul style="list-style-type: none"> • Assists law enforcement in investigations • Provides many more "eyes" in the community • Deters sex offenders from committing new offenses • Offers citizens information they can use to protect children from victimization and prevent/reduce community harm
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Who does notification apply to?	Notification applies to: <ul style="list-style-type: none"> • Sex offenders released from prison (in Minnesota or interstate/Federal transfers) • Sexual psychopathic personalities of sexually dangerous persons (SPP/SDPs) • Mentally Ill and Dangerous sex offenders
How does the notification process work?	An End of Confinement Review Committee (ECRC) established by the notification law, and operated by the DOC, determines a sex offender's risk level, which then determines the level of Community Notification. DOC sends notification information to law enforcement agencies. Law enforcement agencies facilitate the community notification process. Notification processes are dependent upon the offender's assessed level of risk to re-offend: <ul style="list-style-type: none"> • Level One - offenders determined to be at a lower risk to re-offend. Law enforcement may notify other law enforcement agencies and any victims of, or witness to, the offense committed by the offender. • Level Two - offenders determined to be at a moderate risk to re-offend. In addition to Level 1 Notifications, law enforcement may notify schools, daycares and establishments and organizations that primarily serve individuals likely to be victimized by the offender. • Level Three - offenders determined to be at the highest risk for re-offense. In addition to Level 1 and Level 2 notifications, law enforcement may notify other members of the community whom the offender is likely to encounter.

DNA Analysis DNA analysis (a biological specimen) is required for any person convicted of the following offenses:

- Criminal Sexual Conduct in the First, Second, Third, Fourth or Fifth Degree
- Indecent Exposure
- Patterned Sex Offender
- Incest
- Offense arising out of the same set of circumstances
- Similar offense coming from another state

The main collection standard for DNA analysis has been via blood samples. Today, collection standards have moved to a less intrusive method, buccal cells collection. The specimen is obtained from swabbing the inside of the offender's mouth. Samples are obtained by the correctional institution prior to the offender's release, or by probation staff, if the offender is in the community. The Bureau of Criminal Apprehension maintains all DNA samples. Aside from DNA samples, fingerprints, photos, and other identifying information are also collected.

Department of Corrections (DOC) Website Beginning August 1, 2000, a law was enacted so that the public can get information about high-risk (Level III) sex offenders. The Minnesota Legislature, as part of the passage of Katie's Law (named after Katie Poirier) in the 2000 legislative session, directed the DOC to establish a site on the world wide web that contains information about high-risk sex offenders living in the community. Within two days after law enforcement officials have held a notification meeting on an offender, those officials determine what information they want released on this web site, and forward the information to the DOC.

The DOC then posts this information, and maintains the changes in location that may occur with the offenders. This site does not contain information about low to moderate risk (Level One or Level Two) offenders. The intent of the law, and the actions of law enforcement officials and the DOC, is to provide information that will improve public safety.

Adult Sex Offender and Intensive Supervised Release (ISR) Services:

All offenders involved in sex-related offenses and on probation or supervised released in Dakota County are assigned to either the Sex Offender Supervision Unit or the Intensive Supervised Release (ISR) Unit. Services include: Pre-sentence investigations, risk and needs assessments, supervision, case management, and intensive monitoring.

- Staffing: 8.6 Probation Officers -1.4 Intake and Pre-Sentence Investigation Officers, 4.6 Supervision Officers, and 2.6 ISR Officers
- Average case size: 64 in 2004 (*thru May, 2004*), 64 in 2003, 51 in 2002, and 56 in 2001
(*These numbers reflect an increase in staff as opposed to a decrease in the number of sex offenders supervised.*)

Pre-Sentence Services A variety of investigations and evaluations are completed to help the courts and supervising officers determine an offender's level of risk to the community and treatment needs to be addressed during supervision.

- Pre- sentence investigations completed: 25 in 2004 (*thru May, 2004*), 87 in 2003, 80 in 2002 and 60 in 2001
- Sexual psychological evaluations completed: 36 in 2004 (*thru May, 2204*), 68 in 2003, 57 in 2002, and 62 in 2001

Supervision and Management Services Supervising sex offenders in the community is key to public safety. Supervision of offenders who are involved in sex-related offenses involves risk and needs assessment, relationship building to assist in behavior change, and monitoring to ensure compliance and promote public safety. Types of supervision are:

- Probation - Supervision of an adult convicted of a criminal sex offense that has been granted, by the court, with provisional freedom to live in the community as long as certain rules are followed.
- Supervised Release - The court does not grant the release. Determinate sentencing legislation mandates offenders to serve 2/3 of time in prison and 1/3 in the community under supervision.

All offenders involved in sex-related offenses and on probation or supervised release in Dakota County are assigned to either the Sex Offender Supervision Unit or the Intensive Supervised Release (ISR) Unit. ISR officers provide intensive/maximum supervision to those offenders designated as the highest risk to public safety. Short of incarceration, supervision allows the criminal justice system the best means to maintain control over offenders, monitor their residence, and require them to work and participate in treatment. Community corrections must determine how to manage sex offenders in the community in a way that adequately restricts offenders, protects the public, and simultaneously promotes successful community reintegration. The distinctive characteristics of sex offenders and the unique trauma they inflict require use of more than routine, one-size-fits-all methods of supervision.

Traditional supervision and management practices (e.g., scheduled office visits and periodic phone contacts) are not sufficient to manage sex offenders. To enhance community protection by assisting sex offenders toward positive change, more specialized and varied supervision methods are needed, including specialized treatment services, restricted contact with past and potential victims, restricted internet access and other specific restrictions that help diminish the likelihood of re-offense. Special conditions of supervision, when ordered by the court or supervising agency are perhaps the most effective method of imposing external controls on sex offenders. Typically, special conditions of sex offender supervision include participation in treatment, no victim contact, no contact with children, no drug or alcohol use, and restricted Internet use.

Supervision Tools

- Polygraph testing
- Drug testing
- Home visits
- Computer monitoring

Supervision Modes	<ul style="list-style-type: none"> • Individual supervision • Group supervision <ul style="list-style-type: none"> Weekly groups (cognitive-behavioral and accountability) Bi-weekly groups (entering treatment) Monthly groups (stable in treatment) Quarterly groups (completed treatment and follows all condition)
Intensive Supervision Services	<ul style="list-style-type: none"> • 24 hours, 7 days per week supervision • Unannounced visits • 4 face-to-face contacts per week (2 face-to-face contacts per week at the offender's home, 1 face-to-face contact at offender's employment, 1 optional location) • Curfews • Electronic monitoring • Weekly alcohol/drug testing • Global Position System monitoring (Level III sex offenders)

Treatment and Intervention Services:

Sex offender treatment is a difficult undertaking, made more so by the wide variety and degree of offenses, motivational differences, personal history of abuse, and many other underlying factors that are both unique and different among offenders. Other factors such as alcohol and drug abuse, lack of family and community support, criminal history, and the inability to maintain healthy and functioning relationships also add to the difficult task of change. Treatment that results in true behavior change takes time. The first step is admitting the need to change; the treatment process follows with learning how to change and integrating those changes into daily living. Most importantly, offenders must take complete responsibility for their offense(s).

Treatment programs are designed to teach sex offenders internal control over deviant thoughts and behaviors. The majority of sex offender treatment programs use a combination of cognitive-behavioral treatment, individual and group therapy and relapse prevention techniques designed to help offenders maintain behavioral changes. Once primary treatment is completed, often times an aftercare component is added.

How many sex offenders in Dakota County are in treatment?	<u>2003</u> 83	<u>2002</u> 75	<u>2001</u> 81
Does treatment work?	Recidivism rates: 13.1% for treatment completers and 25.6% for non-treatment completers (Source: preliminary results from Project Pathfinder, Inc.)		

Does treatment work? Studies show that offenders who receive specialized and/or intensive treatment have lower recidivism (re-offending) rates.

Accurately measuring the rate at which sex offenders recidivate is difficult. Most studies that attempt to measure recidivism equate re-offending with re-arrest or reconviction, which is problematic because of the generally accepted understanding that sexual assault is a widely underreported crime. Research has concluded that long-term recidivism rates are lower for sex offenders than for the general criminal population, and that offenders who receive specialized and/or intensive treatment have significantly lower re-arrest rates than offenders who do not participate.

Victim Impact:

Sex crimes, rape, and other sexual assaults are serious offenses that leave victims in a state of both physical and psychological damage. ... "Victims are not chosen because they are attractive and asking for it, but because they are accessible and vulnerable..." (Stephenson, 1995, p.208). This quote supports the results of research that affirm offenders are more likely to be people of importance in the victim's life such as a father, a brother, an uncle, or neighbor.

Statistics show that virtually anyone can become a victim of crime. In 1997, there were an estimated 35,000,000 crimes in the United States against persons age twelve or older. Among those, nearly 9,000,000 were involved

in some type of violent crime.¹² Best estimates are that five out of six people will be victims of a completed or attempted violent crime at least once in their lives.

Historically, the American criminal justice system was patterned primarily after the English judicial system. One significant difference has been the manner in which criminal prosecutions are viewed. Traditionally, criminal prosecutions in England were private actions brought by the victim or a representative of the victim. While this was also true during the American colonial period, the new United States of America soon moved to a tradition of public prosecution, undertaken by a public official -- the prosecuting attorney. In the United States, a crime is considered to have been committed *against the state* -- in other words, against society as a whole -- rather than solely against a victim. One especially unfortunate result of our system is that victims have been treated as evidence against the accused, usually included only as a witness to the crime committed against them. Since the crime is considered to have been committed against the state, and it is the state's job to prosecute, victims are not often recognized as a party to the case. Thus, they have had little or no involvement in the process of bringing offenders to justice.

In recent years, the victims' movement has sought to re-establish a place for the victim in the American criminal justice process and to enhance the rights of crime victims. It is important to note that the thrust of the victims' movement has been to increase the rights of victims, *not* to eliminate or reduce the rights of criminal defendants.

Victims' rights include:

- The right to notification of the stages/ proceedings in the criminal process;
- The right to attend and/or participate in criminal justice proceedings;
- The right to notification of other legal remedies;
- The right to protection from intimidation and harassment;
- The right to notice of the release or escape of the offender;
- The right to privacy, including confidentiality of records;
- The right to speedy trial provisions;
- The right to confer or discuss the case with the prosecutor;
- The right to prompt return of the victim's personal property seized as evidence from the offender;
- Victim compensation and restitution.

Cost of Services:

The cost associated with incarceration, community supervision and treatment of sex offenders continues to increase, while at the same time, the amount of funding and available funding resources continue to decrease. The average service costs are:

Supervision and Confinement

- Supervision - \$1,210/year
- Jail Confinement - \$40,150/year
- Prison Confinement - \$29,389/year
- Civil Commitment - \$114,610/year

Treatment

- Inpatient Treatment - \$33,000/year
- Outpatient Treatment - \$5,000/year
- Aftercare Treatment - \$300/year

¹² Bureau of Justice Statistics; "Number, Percent Distribution and Rate of Victimization by Type of Crime, 1996-2001"

Phase II: Issues and Conclusions

1. Issue: Lack of Treatment Services and Treatment Completion

Lack of sex offender treatment services and aftercare services can reduce an offender's successful transition back into the community.

Conclusions: *Treatment programs can contribute to community safety; offenders who complete treatment are less likely to re-offend than those who reject treatment intervention.*

- While treatment is available in prison, participation is not mandatory.
- In-patient treatment in the community is extremely expensive.
- Most insurance companies and public assistance programs do not cover sex offender treatment costs.

2. Issue: Lack of Housing Options

Housing for sex offenders is a contentious and sensitive subject; it involves balancing the housing rights and needs of sex offenders with public concerns and considerations of public safety. Finding stable housing and being able to pay for it is a major obstacle for offenders returning from correctional institutions. Housing issues are central to the successful management of sex offenders in the community. Corrections staff works hard to place high-risk sex offenders in stable housing so that they can be regularly monitored and supervised.

Conclusions: *Stable Housing is an important component of community re-entry.*

- Homelessness is a growing problem among sex offenders. Many landlords refuse to rent to sex offenders and in many cases sex offenders are excluded from homeless shelters. The unintended consequence is homelessness. Community supervision of homeless/transient sex offenders is very difficult.
- Lack of access to appropriate housing for sex offenders results in diminished public safety.
- Practices, such as crime-free rental zones, exclude sex offenders from many rental units.
- Housing options that place sex offenders in areas where children congregate such as schools, day cares, and playgrounds, is very concerning for Community Corrections because of the safety issues involved.
- Community notification can put negative social pressure on family members of sex offenders so much so that they withdraw their support to provide housing.
- Community Corrections is often confronted with a community's "Not-In-My-Backyard" (NIMBY) response to sex offenders. This attitude is like putting out an "unwelcome mat" in the neighborhood.
- When communities force offenders to live elsewhere, theoretically making their community safer, it follows that the new community faces the same issues, which they may not be equipped to handle.

3. Issue: Lack of Coordinated Communication Processes

Community Corrections needs the support and assistance of community members, family members, service organizations, and policy makers in order to help sex offenders become productive citizens. Coordinated communication across multiple systems bringing to bear a full complement of resources is needed.

Conclusions: *Increasing public awareness and improving communication and coordination between the community, corrections, and law enforcement agencies can help keep communities safe.*

- Media outlets frequently portray sex offenders as cold-blooded, brutal, and remorseless predators who return to the community poised to commit further sex crimes within days of their release. This stereotypic image does not fit most sex offenders, and tends to increase fear and misunderstanding within already apprehensive communities.
- Prevention of sex crimes can be achieved through coordinated community education efforts.

4. Issue: Lack of Funding

Lack of funding resources for supervision services (i.e. supervision, assessment, treatment, etc.) decreases effective management practices for sex offenders.

Conclusions: *Funding to provide effective community supervision and management of sex offenders, treatment, aftercare, and victim support services needs to be increased dramatically. Funding deficiencies for supervision services and treatment programming can compromise public safety.*

- Successful sex offender management requires more government and private funding resources. Unfortunately, public aversion to spending money on sex offenders undercuts their management. The public clearly has punitive attitudes toward sex offenders. While they might be convinced that more prisons are needed for sex offenders, they need to understand that funding is needed for their rehabilitation.
- One problem is pressure from government agencies to short-cut standards because of the lack of financial resources. Caught between the "rock" of financial constraints and the "hard place" of a fearful public, governments develop good services and then, inevitably, reduce them to save money.
- The 2003 legislature cut all state funding for psychosexual evaluations of sex offenders and reduced funding subsidies for staffing and treatment services.
- State budget cuts resulted in reduced funding for victim support programs and services.
- As sex offender caseloads continue to increase and funding for supervision, treatment and victim services continue to decrease, the quality of services also decreases.

5. Issue: Lack of Victim Support Services

Lack of support for victims and funding for support services can have a substantial impact on victims who are already traumatized by sex crimes.

Conclusions: *The harm caused by sexual assault can be extensive for crime victims.*

- The criminal justice system often re-victimizes the victim.
- The victim may experience limited community support.
- Reduction or elimination of available funding for support services can also lead to further victimization.

6. Issue: Impact of 2003-2004 Legislative Initiatives

Recent high-profile sex crimes resulted in proposed legislative changes to supervision and management of sex offenders.

Conclusions: *The 2003-2004 Legislature adjourned without passage of initiatives for supervision and management of sex offenders.*

- The proposed legislative initiatives included: toughening sentencing guidelines, creating new criminal sexual conduct codes, expanding assessment and monitoring tools; extending Conditional Release, creating lifetime supervision and incarceration, instituting the death penalty, restoring funding, and adding ISR officers throughout the state.

Phase III: Recommendations

The CCAB's charge was to review and assess supervision services for high-risk adult sex offenders on probation and supervised release in Dakota County, discuss emerging issues in sex offender management, and make practical, workable recommendations to Community Corrections to enhance the effectiveness of their own supervision and management approaches, where necessary.

The CCAB has used the information gained in these areas to develop recommendations for the Dakota County Board of Commissioners and Community Corrections, which would address the problems associated with effective community supervision and management of high-risk adult sex offenders. Clearly, no single sector can solve the problems associated with containment and community re-integration of persons convicted of sex crimes. An effective approach requires the integration of a collection of laws, policies, procedures, attitudes, and expectations effectively implemented through interagency and interdisciplinary teamwork. As such, the CCAB's recommendations emphasize that cooperation among key stakeholders -- the Minnesota Department of Corrections, the state legislature, and the community -- is the best way to ensure public safety.

The CCAB's recommendations are listed below and arranged in order of importance with supporting action steps. The recommendations are intended to support community supervision for all persons convicted of sex crimes and who have been released back into the community, with special emphasis on adults who are considered at high-risk for re-offending.

1. Require participation and completion of treatment services and programs for all sex offenders.

Proposed Action Steps

- A. Community Corrections should refer all sex offenders who are court-ordered or DOC-mandated to participate in treatment, to an approved treatment program.
- B. Community Corrections should recommend and support legislation that provides additional funding for community-based and institution-based treatment.
- C. Community Corrections should investigate options to help offenders obtain insurance coverage for treatment.
- D. Community Corrections should create, propose and support incentives to property owners who rent to sex offenders.

Rationale: Treatment programs can contribute to community safety; offenders who complete treatment are less likely to re-offend than those who reject treatment intervention.

2. Improve current housing options.

Proposed Action Steps

- A. Community Corrections should develop one (1) master lease contract with a community-based landlord to house up to two sex offenders.
- B. Community Corrections should meet with the county's Supportive Housing Unit staff to explore housing options for sex offenders.
- C. Community Corrections should support legislation that creates incentives for property owners to rent to sex offenders.
- D. Community Corrections should collaborate with other counties/DOC to develop housing options.

Rationale: Stable housing is an important component of community re-entry.

3. Increase public awareness concerning sex offenders and improve system coordination and communication between the community, corrections, and law enforcement agencies.

Proposed Action Steps

- A. Community Corrections should develop printed materials, i.e., "Sex Offender Awareness Fact Sheet" that can be used to educate citizens during community presentations by Corrections staff and at Level III Community Notification Meetings.
- B. Community Corrections should meet with community groups such as the Community Action Council (CAC) and law enforcement to discuss possible partnerships for providing community education sessions.
- C. Community Corrections should notify CCAB members of Level III Community Notification Meetings that are scheduled to be held in Dakota County and invite them to attend.
- D. Community Corrections should prepare an informational column on "Community Supervision and Management of Adult Sex Offenders in Dakota County" that can be published to coincide with scheduled community notification meetings.
- E. Community Corrections should meet with law enforcement whenever a Level III sex offender is scheduled to move into the community.
- F. Community Corrections should work with law enforcement to establish workgroups comprised of schools, churches, other community organizations to coordinate notification processes.

Rationale: Raising public awareness through education and improving communication between corrections, law enforcement, and the community can help keep communities safe.

4. Increase funding sources for sex offender supervision.

Proposed Action Steps

- A. Community Corrections should investigate options for insurance coverage for treatment services. All offenders referred for treatment will have their insurance provider contacted to determine eligibility.
- B. Community Corrections should recommend and support legislation to reinstate state-funded reimbursement for psychosexual assessments.
- C. Community Corrections should recommend and support legislation that provides additional funding for community-and institutional-based treatment services and interventions.

Rationale: Funding deficiencies for community supervision services and treatment programming for sex offenders, especially adult level sex offenders, can compromise public safety.

**Dakota County Community Corrections Advisory Board
Report on**

**Managing Adult Sex Offenders in the Community:
Improving Supervision Services and Outcomes**

**Appendix 1
Workplan**

Month	Topic	Method	Expected Outcome
November 2002	Introduction of Sex Offender Study	Panel Presentation: Steve Huot	State and County-wide Overview of Sex Offenders
February 2003	Sex Offender Study (continue)	Video and Power Point presentations	Define the Study Charge Define Sex Offender Overview of Supervision Understand the Issues – Community Re-entry, Transition, Housing, Employment Treatment, etc. Issues
April 2003	Sex Offender Study (continue)	Case Studies	Understand Sex Offenders and Community Supervision
June 2003	Sex Offender Study (continue)	Live Case Studies	Overview of Mandated Legislation Overview of DOC Policies and Practices
September 2003	Sex Offender Study (continue)	Power Point Presentation	Overview of Juvenile Sex Offenders
November 2003	Sex Offender Study (continue)	Panel Presentations-	Understand the Issues
February 2004	Victim Impact 2004 proposed legislative changes	Panel Presentations	Victim Impact Update on 2004 Legislative Changes
April 2004	Review of Sex Offender Study	Large and Small Group Discussions	Summarize the Facts and Frame the Issues
June 2004	CCAB Review Concept Paper- Develop Recommendations		
July-August 2004	Board Committee Presentation of CCAB Sex Offender Study Findings Update on Legislative Changes related to Community Corrections		

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**Appendix 2
Case Study Presentation Notes**

Case #1: "Robert"

- *Demographics*
20 years old, Russian immigrant
Residence: lives with two roommates in Minneapolis
Employment: auto shop
Criminal history: No prior convictions
Participated in sex offender treatment (in-patient) in Indiana
- *Offense*
Date of offense: 7/01
Date of Arrest: 11/01
Offense: Solicitation of a child to engage in sexual contact
Victim: 9 year old male
Case Synopsis: Defendant lured boy into apartment, exposed himself, and asked boy to touch him; boy fled
- *Psychological Evaluation*
Date of evaluation: 1/02
High-risk to re-offend
Compulsive use of pornography
Extensive physical, emotional, and sexual abuse in childhood
Mixed personality disorder
Suicide attempts
Currently on medication
- *Sentencing*
Date: 3/02
3 years probation
60 days in jail
No contact w/minors unless approved
No use of pornography
Participate in polygraphs as directed
Complete sex offender treatment
- *Supervision*
5/02 - 1st apartment (after serving jail sentence)
6/02 - started sex offender treatment
9/02 - 1st polygraph (no deception)
9/20 - Apprehension & Detention (48 hours – use of pornography)
3/03 - Probation violation hearing (use of pornography)
4/03 - Suspended from treatment (due to jail and \$900 bill)

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**Appendix 2 (continued)
Case Study Presentation Notes**

Case #2: "John"

- *Demographics*
31-year-old white male
Residence: outside Dakota County, rent room from single adult male
Employment: construction
Criminal history: 1995 worthless checks; 2000 DWI
Recovering alcoholic
- *Offense*
Date of offense: 1/95
Date of Arrest: 8/96
Offense: Criminal Sexual Conduct – 2nd
Victim: Girlfriend's daughters (3 and 6)
Case Synopsis: Touching of private area over and under clothes. Would gain silence by giving victims gifts, treats, and going to movies
- *Psychological Evaluation*
Date of evaluation: 1997
Average intellectual ability
Lack of expressive verbal skills
Low self-esteem
Cognitive distortions to justify offense
No indications of major personality disorder
- *Sentencing*
Date: 3/97
10 years probation
120 days in jail - No contact victims - Complete sex offender treatment
6/00: Probation revoked for contact with victims and being terminated from sex offender treatment
21 months prison
5 years Conditional Release
- *Supervision*
Conditions of Supervised Release (SR)
No contact with victims
No contact with minors without prior approval
No alcohol/drug use – no bars
Participate in sex offender treatment
No Internet access
Polygraphs per officer
6/01 – Individual contacts with officers
9/01 – Begins sex offender treatment
11/01 – Bi monthly group
07/02 – Passes polygraph test
03/03 - Completes sex offender treatment
04/03 – Begins sex offender aftercare treatment

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**Appendix 2 (continued)
Case Study Presentation Notes**

Case #3: "Steve"

- *Demographics*
34-year-old single black male
Residence: halfway house in metro area
Employment: none
Criminal history: Criminal Sexual Conduct – 3rd degree
Multiple convictions for 5th degree assault
- *Offense*
Date of offense: 8/93 (1st offense); 3/94 (2nd offense)
Date of Arrest: Not available
Offense: Criminal Sexual Conduct – 2nd (2 counts)
Victim: 14 and 13 year-old females
Case Synopsis: 1st victim – sexual intercourse multiple occasions; was threatened by defendant.
2nd Victim – sexual intercourse on one occasion, but never completed.
- *Psychological Evaluation*
Date of evaluation: 1994
I.Q. – borderline range
Denied wrongdoing
Pattern of denial; risk for future similar conduct
Prognosis for treatment is poor
- *Sentencing*
Release Date: 9/96
Complete residential program – halfway house
Complete sex offender treatment
No possession of sexually explicit materials/business
No telephone sex lines
No direct or indirect contact w/minors
Comply with Intensive Supervise Release
- *Supervision*
9/96 – released – Level II (private residence) in Ramsey County – Supervised by Ramsey County
12/96 – restructured
1/97 – revoked for 60 days
3/97 – released – Level II (halfway house)
7/98 – revoked for 60 days
8/98 – released – Level II (halfway house)
12/98 – revoked for 150 days
5/99 – released – Level II (halfway house) – Dakota County began supervising
1/00 – released - Level III (halfway house)
11/01 – revoked for 90 days
2/02 – release – Level III (halfway house)
7/02 – revoked for 171 days
12/02 – release – Level III (halfway house)
3/03 – in custody; no violation
3/03 – placement (halfway house)

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**Managing Adult Sex Offenders in the Community:
Improving Supervision Services and Outcomes**

**Appendix 2 (continued)
Offender Presentation Notes**

Two sex offenders participated in a discussion regarding their offenses and attempts to transition back into the community and the difficulties they have experienced.

Offender #1 is a first-time offender. He is a retired chief petty officer and also held a job as a quality assurance manager. He claims that because he is a felon, he can't find a job and has been forced to retire early. When he has applied for jobs he frequently passes through the interview process but has not been hired once the background check is returned. He lives with his ex-wife. He is on probation for 20 years. He is required to meet with his probation officer monthly; he meets weekly with a therapist; and he cannot have unsupervised contact with the victim (his granddaughter). He has dealt with the issue openly with his family. He feels that his sex offenses are mental-health related and feels that more intensive treatment would be helpful.

Offender #2 is a Level III registered sex offender. He is currently on his 5th supervised release; violations have been based on technical infractions. He lives in the metro area. He committed his offense two weeks after his 18th birthday. It was a violent assault on a 15-year-old male victim. His victim was a stranger. He was sentenced to 20 years in prison in 1986. During his 14 years in prison, he did not participate in treatment. He now is 3 ½ years away from sentence expiration. Under supervised release, he meets with his probation officer 4 to 6 times per week and is required to complete sex offender treatment. When asked if he would want to apologize to his victim he replied, "No, the best way I can apologize is to be a better person and not have any new victims." When looking for housing, he contacted 200 perspective rentals, viewing over 30, and had only a few that would allow him to rent. He aspires to buying property in the future and renting to those similar to him.

Discussion

After hearing from the two sex offenders, the committee briefly discussed their reactions to the presentations. The following issues and points were raised/discussed. The committee:

- Questioned the honesty and sincerity of Sex Offender #2.
- Were troubled that Sex Offender #2 was unwilling to apologize to his victim.
- Raised the issue of the best place to allocate limited resources – to the highest risk offender who seemed unable to change or to the lower risk offender who seemed to benefit from the services and wants to change.
- Questioned why the prison system would allow inmates to refuse treatment.
- Felt it was important for a period of supervised release to integrate the sex offender into the community.
- Felt that Sex Offender #2 was still angry and many could see the possibility of a future victim.
- Became aware that statistically, sex offenders have a low recidivism rate.
- Looked at housing issues – if a sex offender cannot find housing, the possibility exists that he could be homeless or sleeping in his car.
- Identified that allocating resources is a policy question.
- Understood the difficulty in predicting which sex offenders will re-offend.
- Understood the need to integrate sex offenders into the community upon their release from prison.

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Appendix 3 Victim Impact Presentation Notes

Two people from the Community Action Council (CAC) Sexual Assault Services gave a presentation. One panelist was also a sexual assault survivor. Their presentation focused on CAC services and victim impact issues resulting from sexual assault crimes.

The CAC focuses on services for violence prevention including: The Lewis House, which offers 24-hour domestic abuse safe houses, domestic violence intervention project; violence prevention community education; sexual assault services; early intervention for healthy families; and child neglect and abuse services. In 2002, the CAC served 198 survivors in Dakota County, which involved over 1000 contacts. CAC's 24-hour domestic abuse service is facilitated by 14 volunteers and 1 part-time (30 hour) employee. Other services offered include: providing advocacy at the hospital; support groups for women and adolescents; legal advocacy; and community education for 6000+ students per year (ranging from preschool to high school). The average age of victims has dropped from 19-24 years old to 13-19 years old. There is a significantly lower rate of male victims, which is believed to be primarily due to underreporting.

The panelist's first-hand story as a rape survivor: When she was 20 years old and enrolled in her 3rd year in college she was raped by a fraternity member. She had attended a fraternity party with a friend and had gone up to a fraternity member's room to get beer at around 3:00 a.m. She had always been very cautious about separating from friends at parties. She had been drinking but was not drunk. He tried to kiss her. She told him "no" several times but has a fuzzy memory of the rape, which occurred from 3:00 a.m. to 7:00 a.m. She does not remember much because it is believed she was given a date rape drug. At 7:00 a.m. she called her friend who picked her up at the fraternity house. She recalls feeling "dirty" and blamed herself for the events that had happened. Her friend, upon hearing the story, assured her that it wasn't her fault, that "no" meant "no," and that she had been raped. She waited more than 24 hours to contact a sexual assault crisis-help line. She had already washed her clothes, showered and therefore did not have any physical evidence of the rape. She ended up telling her parents, reported the incident to the University police, and spoke with a crisis center advocate. The University held a mock trial to review and discuss the allegations with her and the accused fraternity member. Three violations were listed, but after much discussion only one violation "endangering someone other than self" (in essence, providing alcohol to a minor) was the only charge placed against the accused fraternity member. She ended up quitting school, took a year off, and has seen a therapist ever since the rape occurred. For many years, she carried a stuffed animal with her so that she was never "alone." She received lots of support and has come a long way since the assault. She has since finished school with a major in corrections and is recently engaged...

Discussion

Several members of the CCAB asked the survivor questions regarding the role her family played, and the difficulties she encountered in working through the process of "victim blaming" and criminal justice processes, in general. She stated: *"The most important thing a family member can say to another family member who has been raped is that they believe him/her 100%" and to not push the victim into doing something that they are not ready to do.* She reiterated that the victim is easy to blame and often, because of the crisis situation, the victim does not realize the importance and timeliness of going to the hospital, collection of DNA, etc"...The information provided by the presenters was invaluable to CCAB members.

Dakota County Community Corrections Advisory Board

Report on

***Managing Adult Sex Offenders in the Community:
Improving Supervision Services and Outcomes***

***Appendix 4
Community Supervision - System Approaches***

Burnsville, Minnesota

Steve Adrien is an Investigator with the Burnsville Police Department. They have approximately 80 registered predatory offenders in Burnsville. These consist of one (1) Level II offender, and the remainder were Level 1 offenders or unassigned offenders. There are currently no Level III offenders. Most calls he receives from the community are regarding an offender 's living location, pointing to the fact that people do not want "to live near them." He discloses the information that he can and tries to put the caller's fears at ease. He has seen a low rate of recidivism among sex offenders. Most often offenders have issues with non-compliance with registration requirements. Burnsville takes a team approach to managing sex offenders in their community. Since the majority (50-60 offenders) is not on probation, they work hard to identify and track those known sex offenders living in the community.

Eagan, Minnesota

Stephanie Bolks is a Detective with the Eagan Police Department, which participated in the first community notification of a Level III-sex offender in 1997. This first notification drew over 1,500 people. Today community notification meetings may range anywhere from 30-100 people in attendance. Eagan has approximately 59 registered predatory offenders. Stephanie too sees little recidivism. She sees her role as protecting the community. She believes the biggest issues facing the offender are housing and jobs. Eagan has crime-free multi-housing units located at Wescott Square. It is very difficult to track offenders who are homeless. She feels that tracking the offenders is only as good as the officer. Eagan maintains a database of photographs and addresses and checks quarterly on the predatory offenders in their community.

Minneapolis, Minnesota

Russ Stricker is an Intensive Supervision Program (ISP) Supervisor with Hennepin County. The ISP unit consists of 12 officers. 70% of their caseloads are sex offenders. There are 120-130 Level 2-sex offenders and 20-25 Level III-sex offenders in Hennepin County that are under ISP supervision. Russ attends Community Notification meetings two or three times per month. Russ is working on a task force on housing which is trying to develop master leases. A master lease is when an agency leases a building and that agency controls the lease to the offender. If the offender violates, a subsidy is then paid on their behalf so there is no monetary loss to the building owner. Housing for sex offenders is a big issue in Hennepin County. There are currently no Level III offenders living in apartment buildings, they are all in private residences (often this means two or three offenders living in the same dwelling). There has been some discussion that in the next legislative session there will be a limit of two (2) sex offenders that can be housed in one dwelling. This will further increase the problem of housing availability.

Dakota County Community Corrections Advisory Board

Report on

***Managing Adult Sex Offenders in the Community:
Improving Supervision Services and Outcomes***

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